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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Third periodic reports of States parties due in 1989

Addendum

ECUADOR */

[7 June 1990]

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*/ For the initial report submitted by the Government of Ecuador, see CCPR/C/1/Add.8; for its consideration by the Committee, see CCPR/C/SR.31 and SR.32 and the Official Records of the General Assembly, Thirty-second session, Supplement No. 40 (A/32/44), paras. 127-129. For additional information submitted by the Goverment of Ecuador in connection with its initial report see CCPR/C/1/Add.29; for the consideration of this information, see CCPR/C/SR.118 and the Official Records of the General Assembly, Thirty-third session, Supplement No. 40 (A/33/40), paras. 555-572. For the second periodic report of Ecuador, see CCPR/C/28/Add.8 and Add.9; for its consideration by the Committee, see CCPR/C/SR.796-SR.799, SR.831 and SR.832 and the Official Records of the General Assembly, Forty-third session, Supplement No. 40 (A/43/40), paras. 310-356.

GE.90-17693/2556B

INTRODUCTION

1. Pursuant to article 40 of the International Covenant on Civil and Political Rights, Ecuador is especially pleased to submit to the Human Rights Committee its third periodic report on human rights, in which it will focus on the implementation of human rights standards and on respect for and the enjoyment of the rights recognized in the Covenant and will deal with the progress made in this regard and with difficulties affecting compliance with obligations under the Covenant.

2. In this connection, the Government of Ecuador draws attention to the following basic elements that have characterized its position on human rights:

(a) An attitude of respect towards the powers of the various branches of Government and towards the individual rights of persons subject to Ecuadorian jurisdiction and legislation;

(b) The commitment and willingness to guarantee the effective enjoyment of civil and political rights and the determination to create the conditions needed for the enjoyment of economic, social and cultural rights by all Ecuadorians; and

(c) An active and consistent position designed to create and maintain conditions to give effect to such rights and overcome obstacles to their enjoyment.

3. The Government's basic objective in the political field has been to remove any trace of arbitrariness and arrogance and, in full compliance with the laws - which does not rule out the necessary firmness of action, to monitor the implementation of the rights and fulfilment of the obligations of persons subject to national jurisdiction.

4. Thus, it has faithfully and unreservedly abided by the decisions adopted, on the basis of democratic principles and mechanisms, by the competent bodies in accordance with the Ecuadorian Constitution and laws and has eliminated procedures, organizations and systems that are contrary to them.

5. Despite severe economic restrictions, it has worked energetically in the education and public health fields to direct resources towards low-income sectors in order to create conditions to give the entire population access to the enjoyment of basic human rights.

6. To this end, it has based itself on the consideration that such rights are ultimately a conceptual unit whose implementation requires the achievement of a dynamic harmony encompassing all such rights and affecting the country's entire population.

7. These attitudes have also been reflected in its position in international bodies and in its foreign policy in general.

GENERAL TRENDS IN ECUADORIAN LEGISLATION

8. Ecuadorian internal law has been giving increasingly broad support and protection to human rights as embodied in international declarations and instruments.

9. To understand the relationship between the International Covenant on Civil and Political Rights and Internal Law more clearly, it should be borne in mind that the Ecuadorian legal system gives precedence first to the Constitution, then to legislation deriving from treaties and other international instruments ratified by the Government and, lastly, to internal laws and secondary legal provisions.

10. The codification of the Political Constitution of the State, adopted by the National Congress on 4 June 1984 and published in the Official Gazette on 12 June 1984, is currently applied in the country.

11. Title II of the Constitution of the Republic, which contains seven sections relating to the rights of the individual, the family, education and culture, social security and social development, labour and political rights, provides for all the principles and rights embodied in the international declarations and covenants to which Ecuador is a party.

12. Moreover, as indicated in paragraph 5 of the supplementary report submitted on 29 December 1987, title II of the Constitution ends with the general rule that is clearly and conclusively stated in article 44 providing that the Ecuadorian State guarantees all individuals, male and female, who are subject to its jurisdiction, free and effective exercise and enjoyment of the civil, political, economic, social and cultural rights enunciated in declarations, covenants, agreements and other international instruments in force.

13. As the Committee is aware, there is virtually no important universal or regional human rights instrument to which Ecuador has not acceded. As in the case of the Optional Protocol to the International Covenant on Civil and Political Rights and the Inter-American Convention on Human Rights, accession involves acceptance of the jurisdiction of the bodies established by the relevant international instruments to monitor the implementation of the rights to which they refer.

Article 1

14. As the previous report stated, the International Covenant on Civil and Political Rights is in complete harmony with the Political Constitution of Ecuador, article 1 of which defines the legal and political organization of the State.

15. For the Ecuadorian State, the right to self-determination is of crucial importance, since it provides a solid foundation for unreserved respect for human rights and other individual guarantees. Therefore, one of the guiding principles of Ecuador's foreign policy has traditionally been the defence of the right of peoples to self-determination and the repudiation of all forms of colonialism and apartheid.

16. Accordingly, Ecuador has been an ardent defender of the right to self-determination and, in all international forums, has supported all initiatives and actions aimed at guaranteeing recognition of this right for various peoples.

READEX

17. Thus, to mention only the most outstanding recent developments, Ecuador has supported the peoples of Namibia and Palestine in their struggle to achieve independence at long last and also consistently condemns the South African Government's racist and discriminatory policy towards its black population, which it considers to be against nature and incompatible with human dignity.

Article 2

18. The general framework of unlimited protection of human rights referred to in the chapter on "General trends in Ecuadorian legislation" is applied in Ecuador from the standpoint of complete equality of all persons before the law.

19. The principle of equality has been provided for in Ecuadorian constitutional law ever since the enactment of the first Political Constitution. Subsequent Ecuadorian Constitutions show regular progress in this regard.

20. As stated in paragraph 7 of the second periodic report and in the supplementary report, article 19 of the Constitution of the Republic currently in force stipulates that: "Without prejudice to other rights necessary for the full moral and material development deriving from the nature of the individual, the State guarantees:

...

5. Equality before the law:

Any discrimination based on race, colour, sex, religion, political or any other affiliation, social origin, economic situation or birth is prohibited".

21. In connection with the provision of article 2, paragraph 2, of the Covenant, it should be pointed out that, as stated in the chapter on "General trends in Ecuadorian legislation", the country has maintained an ongoing process of adapting internal legislation to international provisions on human rights.

22. It should be noted, for example, that the amendments to the Penal Code adopted on 4 July 1979 expressly characterize as an offence incitement to or execution of acts which might encourage racial discrimination and establish the corresponding penalties for anyone infringing that prohibition.

23. The amendments referred to in the preceding paragraph are a reflection of that process. In addition the Code of Civil Procedure was amended in May 1987 in order further to strenghen the principles of the equality before the law of all persons and effective remedies before the courts; and the Civil Code was amended on 17 August 1989 to guarantee full equality between men and women.

Equality of rights and judicial remedies

24. As indicated in paragraph 7 of the supplementary report submitted by Ecuador in December 1987, in addition to the fundamental guarantees recognized in the Constitution and in Ecuadorian law, all inhabitants of the country enjoy the rights set out in the agreements, covenants and conventions to which Ecuador is a party. Hence, for the purpose of lodging a complaint, they may

resort either to national courts or bodies such as, the various levels of the court system, the municipalities and the National Congress, or to the relevant international bodies, namely, the Human Rights Committee established under the International Covenant on Civil and Political Rights, the Commission and the Inter-American Court of Human Rights established by the Pact of San José and the Committee on the Elimination of Racial Discrimination.

25. With regard to article 2, paragraph 3, of the Covenant, it should be noted that, among the rights set out in the Constitution of the Republic is the right to request the protection of the court against any violation of constitutions guarantees.

26. Pursuant to that constitutional principle, if the rights guaranteed by the Constitution have been disregarded, an appeal may be lodged before the courts of the Republic to request the enforcement of criminal law and civil law for damages.

27. The Penal Code, in book II, title II, punishes as offences against constitutional freedoms any acts committed against the right to suffrage, freedom of conscience and thought, the freedom of the individual, the inviolability of the home and of correspondence, the right to work and freedom of association and petition and it also prohibits acts involving an obligation to testify against oneself or one's relatives in matters involving criminal responsibility or the imposition of punishment that is injurious to a prisoner's human dignity.

28. The Code of Criminal Procedure establishes the binding nature of judicial sentences by making authorities or private individuals who try to hamper their enforcement liable to punishment.

29. As stated in previous reports, the Ecuadorian legal system provides special protection for the basic rights to life (there has been no death penalty in Ecuador since 1897) liberty and security of person by means of specific remedies such as habeas corpus, amparo (enforcement of constitutional rights), proceedings for review of leave to appeal and review and annulment proceedings.

30. In addition, the Constitution of the Republic provides for an autonomous body with broader jurisdiction whose main function is to monitor compliance with the Constitution and all the guarantees it establishes. It is the Court of Constitutional Guarantees.

31. It should also be pointed out that the National Congress has set up an Ad Hoc Commission on Human Rights which is composed of legislators representing all political trends and whose basic aims are the following:

(a) Analysis and verification of complaints of human rights violations submitted by persons and institutions to the Commission or other human rights defence bodies in the country and to the relevant international bodies;

(b) Determination of responsibility in cases of human rights violations. Institutions of adminstrative and criminal proceedings against any officials who conceal, order or commit acts in violation of human rights;

(c) Encouragement of human rights teaching and dissemination programmes;

(d) Analysis of the prison situation in the country and adoption of measures to improve it by promoting the prisoners' rehabilitation;

(e) Proposal of constitutional and legal reforms to strengthen the basic rights of citizens;

(f) Follow-up of complaints made against Ecuador in international bodies for violations of human rights with a view to shedding light on them; and

(g) Monitoring of respect for human rights throughout the world, in particular in Latin America, by promoting the defence of human rights in inter-parliamentary bodies and calling for a statement by the National Congress in the most serious cases.

32. Equality of all persons before the courts and tribunals will be discussed more fully in connection with article 14 of the Covenant.

Article 3

33. The Constitution and the laws guarantee men and women full equality of civil, labour, education, economic and political rights and grant women the same opportunities as men.

34. The amendments to the Civil Code which have been in force since August 1989 (annex No. 1) define the legal institutions of marriage, the conjugal partnership, the family and parental authority on the basis of full equality of rights between men and women and also put an end to situations that could be regarded as being to the advantage of husbands by placing both spouses on an equal footing as spouses, as parents and as administrators of the conjugal partnership.

35. The restrictions affecting married women which derived from provisions of the Civil Code and the Code of Civil Procedure and were referred to in paragraphs 23 and 26 of the supplementary report have been superseded by the above-mentioned amendments to the Civil Code (August 1989).

36. Paragraphs 20 and 21 of the supplementary report described the provisions that guarantee equality between men and women in labour and education matters.

37. In practice, the number of women and men is virtually the same in all university faculties.

38. The participation of women in the public administration is increasing and, in many departments, there are more female employees then male employees.

39. Women are also playing an increasingly important role in private enterprise and in virtually all professional sectors.

40. In political matters, the equal rights of men and women are guaranteed by the Constitution and by law. In recent years, many women have served as under-secretaries, deputy ministers, governors (the highest-ranking representative of the Executive in the provinces, into which the country is divided for administrative purposes), legislators, heads of monitoring bodies, ambassadors, judges, etc.

Article 4

41. As noted in the second periodic report, article 78 (n) of the Constitution refers to such situations and indicates three cases in which the declaration of a state of national emergency is applicable.

42. Information was also given on the powers that the President of the Republic may exercise in such situations and on the power of the National Congress or the Court of Constitutional Guarantees, if the former is in recess, to repeal the declaration if circumstances so justify.

43. Generally speaking, the state of national emergency has been declared in recent years particularly during the term of office of the previous president (1984-1988) and once during the term of office of the current president (1988-1990).

44. The usual reasons were national strikes declared by workers' organizations, as well as one strike by the petroleum workers' union, which caused huge losses for Ecuador. The strikes have always obstructed communications networks throughout the country, hampered supplies of public services and involved marches and demonstrations, which have often been violent.

45. As a result of one such declaration, in May 1988, the Court of Constitutional Guarantees made the following recommendation to the then President of the Republic in which it stated: " ... there was no state of emergency that could be described as a situation of serious domestic unrest to justify such a declaration, since strikes, stoppages, etc. can be dealt with and settled through the exercise of authority by means of ordinary legal procedures, without any need to resort to the state of emergency".

46. As pointed out in the previous report, the National Security Act covers emergency situations when the security of the State is in danger.

Article 6

47. Paragraphs 18, 19 and 20 of the second periodic report of Ecuador and paragraphs 32 to 37 of the supplementary report emphasized that the protection of the right to life has been a constant of the Ecuadorian national spirit and has always been reflected in Ecuador's domestic legislation and in its international political activities. The constitutional and legal provisions guaranteeing the right to life in Ecuador are reproduced in those reports.

48. It was also indicated that the death penalty has been totally abolished since 1897.

49. As the Committee is aware, Ecuador signed the Convention on the Prevention and Punishment of the Crime of Genocide in December 1948 and ratified it in November 1949.

50. The activities of the Government of Ecuador at both the internal and international levels have unwaveringly been designed to eliminate war and violence.

51. At one point, temporary circumstances such as the alleged presence of subversive movements said to be using guerrilla tactics and supposedly linked to international drug-trafficking organizations led to the adoption of an attitude contrary to this constant tradition in order to justify arbitrary and violent acts by certain sections of the national police or the armed forces.

52. This attitude has been proscribed. A vigorous campaign has been waged to make the armed forces and the police aware of the absolute obligation to respect the human rights of persons under arrest or investigation.

53. The very few cases involving missing persons or complaints of improper treatment of detainees have been investigated and punished.

54. Unfortunately, such practices cannot automatically be stopped. However, the present Government of Ecuador is pleased to report the very marked decline in - and near-disappearance of - cases in which the treatment of detainees is not in keeping with international provisions for the protection of human rights.

55. In February 1990, the Government of Ecuador set up an ad hoc committee composed of representatives of the Attorney-General's Office, the Ecuadorian Bishops' Conference and human rights organizations operating in Ecuador in order to investigate a still unsolved case in which two persons disappeared (the Restrepo brothers).

56. In this connection, the national police has offered to co-operate fully in the committee's work and has stated that it has every intention of making all its procedures subject to constitutional and international principles relating to respect for the life, physical integrity and dignity of persons under investigation or arrest, as well as to the rules relating to legal proceedings.

57. Although economic restrictions, which are mainly the result of the developed countries' unfair treatment of the third world's export products, have limited many of the measures that the Government of Ecuador is trying to take on behalf of children, essentially in the areas of health and education, the Government has greatly intensified its efforts to meet needs in those areas.

58. With regard to health, it should be noted that, in Ecuador, the Ministry of Public Health is responsible for providing health care for 70 per cent of the population, while the Ecuadorian Institute of Social Security is responsible for 11 per cent and the remaining 19 per cent is covered by institutions such as the armed forces, the welfare board, municipalities, provincial councils, the private sector, etc.

59. In view of the importance of health on account of its close link with the right to life, the progress made since 1978 in expanding health services is described below. The network of health services began to expand considerably as from 1972, with greater emphasis on primary health care and out-patient care.

60. Health care in rural communities was deficient until 1967, when the Ministry of Public Health was established. In 1968, as a result of constant

efforts and the adoption of a service programme, compulsory rural health service was instituted for graduates in medicine, dentistry, nursing and obstetrics.

61. An agreement between the Ministry of Public Health and the Inter-American Development Bank has established the financing strategy that has improved coverage in rural areas. This infrastructure has made it possible to extend coverage and, in 1987, there were 265,518 visits to doctors; 37,978 visits to nurses; 7,351 home visits by doctors; 10,282 home visits by nurses; and 136,365 visits to dentists.

62. Since 1983, the Ministry of Public Health has considerably increased hospital capacity in the maternity and children's sector by building a number of hospitals (annex No.2). */

Article 7

63. With regard to this provision of the Covenant, attention is drawn to article 19 (1) of the Constitution, which reads: "The State guarantees inviolability of life and physical integrity. There is no death penalty. Torture and all inhuman or degrading treatment are prohibited".

64. In accordance with the Constitution, articles 187, 204, 205 and 206 of the Penal Code lay down the penalties for any authorities that order or carry out acts of torture to obtain a statement or to intimidate a detainee.

65. Where torture is concerned, if the Court of Constitutional Guarantees has received complaints by persons who have suffered torture or inhuman treatment, it has visited the police stations in which investigations are conducted. When the Court has established that torture has taken place, it has urged the authorities concerned to put an end to such practices.

66. In this connection, it should be stressed that the current Government of Ecuador has been so deeply concerned about this issue that it has dismissed the agents who, in some cases, were found guilty of excesses and ill-treatment and it has also ordered the appropriate criminal proceedings.

67. A high-level inter-agency commission has been set up with the participation of the Catholic Church, the Government and the Latin American Association for Human Rights (ALDHU) in order to establish tighter control over police procedures and to conduct investigations into specific complaints. The commission has been working actively.

68. The current Government of Ecuador has also implemented training projects on human rights for prison guards and police officers.

Article 8

69. Slavery has been prohibited by Ecuadorian constitutional law since 1851.

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*/ The annexes, as submitted in Spanish by the Government of Ecuador, are available for consultation in the files of the United Nations Centre for Human Rights.

70. As indicated in paragraph 24 of the second periodic report of Ecuador, article 19 (17) of the current Constitution reiterates the unwavering stance adopted by Ecuador in this regard by prohibiting slavery or servitude in all their forms.

71. In addition, article 3 of the Labour Code guarantees freedom to work and to be hired. It also provides that all work must be remunerated and outlaws any form of forced labour. Article 46 of the Code defines the humane limits of the working day and the subsequent articles determine the maximum amount of overtime to be worked for higher wages, compulsory rest periods and the maximum number of hours to be worked in the event of a disaster. Compliance with these provisions is monitored by the labour authorities and breaches are subject to penalties ranging from a fine and compensation to criminal penalties.

72. No infringements of any kind have ever been recorded in Ecuador.

Article 9

73. What is stated in the second periodic report and in the supplementary report with regard to article 19 (17) and articles 20 and 21 of the Constitution relating to the right to liberty and security of person is now reaffirmed.

74. In response to concerns expressed by the Committee, the following information is provided on article 9 relating to the right to liberty and security of person.

(a) In Ecuador, the law provides for the following precautionary measures in criminal cases: deprivation of liberty, pre-trial detention and remand in custody. The first of these is used for the purposes of investigations and may not last more than 48 hours. In the case of remand in custody, the judge must have evidence that a crime justifying deprivation of liberty has been committed, as well as evidence of the responsibility of the person concerned. It may thus be concluded that, in Ecuador, a person may be remanded in custody only if he has been accused of a crime.

(b) The Ecuadorian legal system requires that criminal proceedings must be instituted whenever an arrest has been ordered. The Constitution allows a maximum period of 24 hours' detention for the purposes of the investigation without the institution of criminal proceedings. During this period, the suspect may be held incommunicado. There have, however, frequently been failures to comply with these rules in cases involving poor persons who are unable to hire a lawyer for their defence. In order to remedy this situation, censuses of the prison population have been carried out on a number of occasions and have made it possible to release persons who are being held unlawfully because the time-limits laid down by law have expired.

(c) Under normal circumstances and in accordance with the provisions of the law, a detainee may immediately communicate with his family. Abuses have occurred in cases of arbitrary or unlawful detention, a form of enforced disappearance that was quite common during the 1984-1988 presidential term of office.

(d) Persons may not be detained in premises other than those expressly authorized by law. As part of the social rehabilitation system in Ecuador, persons due to be released are sent to "trust centres".

(e) A number of procedural remedies are available to suspects, but, in this case, particular attention is drawn to the importance of the remedies of amparo and judicial review. In the first of these, the case is referred to a higher court which may decide to order the detainee's release from custody. Judicial review applies to cases in which a sentence has already been handed down and is based on a number of grounds, including judicial error. There are no legal decisions in respect of this remedy. Applications for habeas corpus to the judicial or municipal authorities are widely used and are the most effective remedy.

Article 10

75. With regard to this article of the Covenant, reference will be made once again mainly to the Code of Execution of Sentences and its Regulations.

76. The first few articles of the Code refer to the scope of the law, to the bodies responsible for the enforcement of the law and to the National and Social Rehabilitation Office and deal primarily with the institutional organization, functions and structuring to which the Code will apply.

77. Article 12 states that: "The objective sought by the penitentiary system is the complete rehabilitation of the prisoners, with a view to reintegrating them into society and to preventing recidivism and habituation so as to reduce crime".

78. The Code recognizes the principle of the individualization of penalties and provides for a process of special treatment for prisoners based on a progressive system; article 14 states that: "The general features of the progressive system are: (a) the individualization of treatment; (b) the classification of offenders by biotype; (c) the classification of social rehabilitation centres; and (d) the proper use of legal remedies on the prisoner's behalf".

79. Article 16 of the Code of Execution of Sentences states that: "For the purposes of diagnosis, prognosis and placement of prisoners in social rehabilitation centres, the following procedure will be adopted:

(a) Diagnosis:

1. Study of the offence;

2. Psychological study of the family and environment;

3. Medical and psychological studies;

4. Definition of the crime motivation mechanism; and

5. Definition of the level of dangerousness.

(b) Prognosis:

Establishment of scales of dangerousness based on the index of adaptation for progress in the system; and,

(c) Location in the population based on the following classification by biotype:

1. Normal structure;

2. Induction;

3. Non-adaptation;

4. Structural underdevelopment; and,

5. Psychopathy".

80. It should be stressed that the Code of Execution of Sentences is consonant with the rights of individuals who have been deprived of their liberty and with all the international covenants and agreements in force, whether or not they have been ratified by Ecuador.

81. In actual fact, these provisions of the Code, as well as the individualization of the system, the classification by biotype and the classification of social rehabilitation centres, are not being properly implemented, largely because of the lack of physical infrastructure, the lack of proper organization of the centres and the shortage of trained staff; this all generates costs which are hard for the country to deal with because of its current difficult economic situation.

82. In chapter IV of the Code of Execution of Sentences on social rehabilitation and the treatment of prisoners, article 20 states that: "Detention in the social rehabilitation centres shall be divided into the following periods:

1. Internment for the criminological study and offence classification;

2. Relaxation of security;

3. Pre-release;

4. Conditional release; and,

5. Treatment for placement in the population".

83. Article 36 of the Regulations for Application of the Code of Execution of Sentences prescribes when pre-release may be granted and states the requirements for this purpose; the subsequent articles indicate the procedure and provide that the National Council, which deals with applications, will continue to have the final say.

84. The present Government of Ecuador is preparing an overall plan for the restructuring of the prison system and has earmarked the necessary funds

within the limits imposed by the serious economic situation in the country, which has been drained by the above-mentioned requirements and the constant pressure of external debt.

Article 11

85. This right is guaranteed by article 19 (17) (b) of the Political Constitution of the State, which provides that: "No person may be imprisoned for debts, costs, fees, taxes, fines or other obligations except in the case of compulsory maintenance;".

86. Although this principle is generally respected, violations have occurred mainly in rural communities and small towns as a result of threats of sending a person to prison in order to make him pay a debt and, thus, fulfil his contractual obligations. This is probably owing to the low cultural level of lower-ranking officers in the National Police and to ignorance of the relevant laws. However, it should be noted that, when the authorities are informed of cases of violations of this kind, they impose the corresponding penalties and continually instruct their staff to guarantee this right to the extent possible.

Article 12

87. As stated in the previous report, article 14 of the Political Constitution of Ecuador guarantees aliens the same rights as Ecuadorians within the limits established by law.

88. The same right is also provided for in article 2 of the Aliens Act stating that "Aliens who have been admitted to the national territory shall have the same rights and obligations as Ecuadorians except as provided for in the internal law of the State".

Article 13

89. As indicated in the second periodic report and in the supplementary report, with the exception of political rights, aliens enjoy the same rights as Ecuadorians, as stated in article 14 of the Constitution and article 2 of the Aliens Act.

90. No legal provision restricts the freedom of movement of aliens within the country. In practice, Ecuador has characteristically been a land of peace to which people came for safe economic investments or merely to enjoy the attractions of its various regions, without the security problems or various types of discrimination found in other countries.

91. As to the joint system for the treatment of foreign capital agreed on between Bolivia, Colombia, Ecuador, Peru and Venezuela under the Cartagena Agreement, the national Government fully complies with the constitutional requirement that foreign citizens usually enjoy the same rights as Ecuadorians, within the limits established by the Constitution itself and by law.

92. Article 1 of decision No. 220 of the Commission of the Cartagena Agreement provides that foreign natural persons who have resided without interruption in the recipient country for no less that one year and who inform

the competent national body that they waive their right to re-export capital and transfer profits abroad are also regarded as national investors; this provision is in keeping with the definition of "national investor", which includes the State, national natural persons, national non-profit-making legal persons and national enterprises, in accordance with decision No. 220.

93. Article 49 of the Regulations to give effect to decision No. 220 exempts foreign natural persons from the requirement of not less than a year's uninterrupted stay if they are interested in making investments in Ecuador, either by the Constitution or increase of capital or the purchase of shares, holdings or rights in companies set up or about to be set up in Ecuador or by the formation of single-person companies; they thus have the same rights as Ecuadorian citizens.

94. The sectors in which there are restrictions on investment by foreign natural persons residing in Ecuador are: commercial broadcasting, commercial television, publication of periodicals, magazines and other communications media and the footwear manufacture sector.

95. The legal provisions governing the expulsion of aliens are set out, as stated in the previous report, in articles 9, 10, 11 and 17 of the Migration Act which provide for the expulsion of certain citizens only in cases where they have come into conflict with the law, morals, decency or State security.

96. With regard to the regulations for the expulsion of aliens, what was stated in paragraph 74 of the second periodic report is reiterated here.

97. As to the right of asylum, what was stated in paragraph 76 of the second periodic report is also repeated and particular attention is drawn to article 12 of the Regulations concerning the Aliens Act (annex No. 3), which contains a number of provisions in this regard.

Article 14

98. The Ecuadorian legal provisions under which the principles embodied in article 14 of the Covenant are applied were referred to, in connection with the conduct of proceedings affecting the freedom and security of individuals, in paragraphs 26 to 29 of the second periodic report of Ecuador and in paragraphs 39 to 52 of the supplementary report.

99. With regard to legal proceedings in general, these provisions were reproduced and analysed in paragraphs 39 to 62 of the second periodic report of Ecuador and in paragraphs 58 to 71 of the supplementary report, as well as in section 7, pages 47 to 57, of the report by the Minister of the Interior annexed to the latter.

100. As far as these legal provisions are concerned, it should be noted that the amendments to the Civil Code and the Code of Civil Procedure have, as stated, done away with the relative disability of married women to take part in legal proceedings (amendments to the Civil Code in 1970 and on 17 August 1989), while the number of cases in which the assistance of an interpreter may be provided has been increased so as to protect the rights not only of persons unfamiliar with the Spanish language, but also of persons with physical handicaps which prevent them from communicating normally (art. 268 of the Code of Civil Procedure, in accordance with the amendments of 18 May 1987).

101. However, it is essential to stress that, apart from legal and formal aspects, the attitude of the Ecuadorian Government towards the application of the provisions in question has undergone a change which has been widely appreciated by public opinion and which involves encouraging the genuine protection and defence of the rights of individuals.

102. While in the past there may have been a tendency to avoid the application of some of these principles, the present Government of Ecuador has made a particular effort to abide by them and put them into practice.

103. The independence of the judiciary, the public nature of trials, guarantees for defendants and their counsel are principles which the present Government of Ecuador has observed zealously.

104. The election by the National Congress of the members of the Supreme Court of Justice, which is the highest court, the Court of Audit and the Administrative Court has been respected by the Government. The same is true of the appointment by these courts of their highest-ranking members and of the appointment of high court judges by the Supreme Court and of civil and criminal judges by the high courts. The courts perform this task completely independently of the Executive, taking into consideration the principles of the legal career and intellectual and moral qualities of the appointees.

105. The resources of the judiciary have been increased in order to improve the administration of justice in Ecuador.

Article 15

106. Paragraphs 63, 64 and 65 of the second periodic report submitted by Ecuador refer to the constitutional and legal provisions which give effect in Ecuador to the principles embodied in article 15 of the Covenant.

107. In accordance with its policy of staying on the course of a State subject to the rule of law, the Government of Ecuador has always taken care to prevent penalties not provided for by law from being applied to acts committed when such penalties did not exist.

108. At the same time, it has shown its concern to punish acts which affect the healthy development of the international community, for example, by acceding to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and by updating its legislation in this regard.

Article 16

109. Both the Constitution and the laws of Ecuador guarantee that everyone has the right to recognition as a person before the law.

110. In accordance with the reforms contained in Act No. 43, promulgated on 18 August 1989, article 60 of the Civil Code provides that:

> "Article 60. The birth of a person shall establish the principle of his legal existence, ... after he has been completely separated from his

> mother. An infant who dies in his mother's womb or who dies before being completely separated from his mother ... shall be regarded as never having existed.
>
> It shall be assumed that an infant is born alive; any person alleging the contrary in support of a right shall be required to prove his case."

111. As article 61 of the Civil Code points out, "The law shall protect the life of an unborn child. At the request of any person or ex officio, the court shall therefore take any measures it deems appropriate to protect the life of an unborn child which it believes may be in some danger".

112. Any penalty which is imposed on the mother and which might endanger the life or health of the child she is bearing is postponed until after the birth.

113. The Act on Civil Registration, Identification and Documentation states that the birth of a child must be immediately registered. The Constitution of the Republic provides that: "When a birth is registered, no statement has to be made with regard to the type of filiation; and, when the identity document is issued, no reference shall be made to the type of filiation or to the fact that the child is adopted".

114. The legal system in Ecuador guarantees the expression of legal personality in civil, political, educational, cultural and economic matters, regardless of any consideration of sex, nationality, marital status, beliefs or racial or economic condition.

Article 17

115. Paragraphs 67 to 77 of the second periodic report of Ecuador, paragraphs 78 and 79 of the supplementary report and section 9 (a), page 65, of the report of the Minister of the Interior annexed to the latter describe or reproduce the most important provisions of Ecuadorian law which give effect to the principles embodied in this article of the Covenant. In addition, Ecuadorian law guarantees secrecy and the inviolability of the right to privacy.

116. The telecommunications service in the Republic of Ecuador operates in accordance with the Basic Act on Telecommunications, article 7 of which regards lawful interference as an exception:

> "It shall be prohibited for third parties to intercept, interfere with, publish or divulge information transmitted through the telecommunications services. Only by means of a court order or at the written request of the sender or addressee may original communications or telegraphic messages be shown or certified copies of them issued."

117. Another exceptional case of lawful interference in the communications media is provided for in the National Security Act, which empowers the competent body to obtain strategic information in co-operation with the relevant offices. However, the National Security Act provides that data which might have been supplied for the purpose of national security activities must be kept secret. A breach of this obligation is punishable by imprisonment.

118. When a court order is issued by the competent judge, the telephone or cabled messages or correspondence to be shown as evidence may relate only to the case under investigation.

119. Article 4 of the Basic Act on Telecommunications also prohibits the use of these media against security of the State, public order, morals and decency.

120. Article 5 of the General Postal Services Act provides that:

> "The State guarantees the secrecy of correspondence and its inviolability. Any breach shall be punishable in accordance with the Penal Code."

121. Chapter IV of the Regulations on the Services of the National Post Office relating to the secrecy and inviolability of correspondence reads:

> "Article 9. General principle.
>
> The State guarantees the secrecy of correspondence and the inviolability of dispatches entrusted to the postal system, with the sole exception of action by Customs in respect of dispatches which are liable to duty.
>
> Article 10. Secrecy of correspondence.
>
> The secrecy of correspondence relates not only to the content of correspondence, but also entails an absolute prohibition for employees to supply any information on the existence, address, number or other external circumstance of the dispatches they handle.
>
> Employees shall not supply information or give data concerning postal operations of any kind for which they are responsible unless they are expressly authorized to do so by the Director General.
>
> Article 11. Inviolability of correspondence.
>
> The following affect the inviolability of correspondence: the arbitrary or illegal detention of correspondence, its deliberate misrouting, opening, removal, destruction, retention or concealment and, in general, any breach of trust while it is in the keeping of the postal services."

122. The present Government of Ecuador has strengthened measures to prevent acts of interference with communications that had begun to be carried out in some sectors under the previous Government.

123. As already stated, the National Police has undertaken to eliminate any practice which may involve abuses or arbitrary acts against citizens.

124. The imposition of penalties for abuses committed in the past and the organization of investigation committees will be of key importance for the elimination of such practices.

Article 18

125. Ecuadorian positive law as contained in the Constitution of the State and in secondary legislation guarantees freedom of belief and religion without restriction, unless the form of worship professed individually or collectively is detrimental to public morals or the rights of other persons.

126. For the rest, the Government refers back to its second periodic report.

Article 19

127. During much of the term of office of the previous Government (1984-1988), there was a serious disagreement between the media in Ecuador and government officials concerning the refusal of a frequency to enable the ORTEL television channel to broadcast its programmes.

128. When the present Government came to power, this anomalous situation was rectified and ORTEL came into operation immediately, in accordance with the ruling by of the Court of Constitutional Guarantees that the Government should deal with this request.

129. Now that this misunderstanding has been settled, the Government of Ecuador can guarantee that, at present, there is no request pending for legal or any other type of action to guarantee freedom of expression and the press.

130. Apart from the exceptions based on the constitutional and legal provisions relating to the state of emergency, freedom of expression is fully guaranteed, subject to the limitations provided for by the Constitution in order to protect the right of individuals not to be affected by false and defamatory statements in the press or other mass media. In such a case, the person affected is entitled to require the media which publicized the statement in question to rectify it accordingly.

Article 20

131. The second periodic report noted that article 3 of the Constitution condemns war. The report also refers to the provisions of the Penal Code that expressly prohibit acts which encourage racial discrimination or the dissemination of ideas based on racial superiority or hatred.

132. It should also be noted that Ecuador has ratified the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the 1965 International Convention on the Elimination of All Forms of Racial Discrimination; it has thus adapted its domestic legislation to the provisions of those international instruments.

Article 21

133. As stated in the second report, article 19 (13) of the Constitution protects the right of peaceful assembly, which is also protected by articles 436, 437, 441 and 447 of the Labour Code, assembly being understood as an act that does not establish any legal relationship and is of a temporary nature.

134. However, sports clubs, leagues, etc. may be organized and may always be changed into associations or federations once they have fufilled the necessary legal requirements.

135. The Penal Code provides for a prison sentence ranging from one month to one year for any employer or employee who coerces another person to join or leave a workers' organization. In addition, organizations and propaganda for the promotion of racial discrimination are prohibited and declared unlawful.

136. Furthermore, the Penal Code defines an unlawful association in the following terms: "Any association for the purpose of harming individuals or property shall be an offence by the mere fact that it has been organized".

137. Perhaps the term "association" is inappropriate, since it implies the legal existence of a group which has legal relationships, but, in this case, what is meant is assembly for unlawful purposes contrary to public morals, such as corruption of minors, hooliganism and other public disturbances (arts. 521 et seq. of the Penal Code). In any event, the right of peaceful assembly is respected in Ecuador.

Article 22

138. Article 22 of the Covenant relates to the right to freedom of association, which is clearly established and protected by article 19 (13) of the Constitution. In labour matters, section V of the Labour Code deals specifically with the right to freedom of association and contains provisions that are reproduced in the attached reference document (annex No. 4, pp. 95 to 103). */ Government employees also enjoy the right to freedom of association guaranteed by the Civil Service and Administrative Professions Act (see pp. 103 and 104 of the attached reference document). The armed forces are subject to special laws.

139. Trade union rights are thus fully guaranteed in Ecuador. Workers and employees may, freely and without prior authorization, set up professional associations and trade unions, which may form federations, confederations and any other groups. Such organizations may not be dissolved without judicial proceedings and are protected by the State; they have legal personality. The labour authorities have an obligation to support and encourage them and their leaders' job security is protected by law. If such associations are subjected to any restriction, it is strictly in the interests of public order, as provided for and authorized by the Covenant, whose objective is certainly not to undermine the personality of States, the stability of Governments or the peace of nations. This is what makes it exemplary.

Article 23

140. As far as this article of the Covenant is concerned, the family is, as pointed out in the previous report, protected by the Constitution and by law. Articles 22 to 24 of section II of the Constitution contain provisions

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designed to safeguard the integrity of the family. Article 22 provides that "The State protects the family as the fundamental unit of society and guarantees it the moral, cultural and economic conditions ...". Marriage is protected by article 22 (2), which provides that "The State also protects marriage, motherhood and family assets".

141. Article 23 of the Constitution refers to "a stable and monogamous union between a man and a woman who have no marriage ties with any other person and who form a de facto household ...". Article 24 "encourages responsible partenthood and suitable education for the advancement of the family ..." and recognizes the family estate as not being subject to attachment.

142. With regard to marriage, amendments to the Civil Code have been made on the basis of modern concepts of law and in the light of the present development of Ecuadorian society. In 1989, the National Congress adopted amendments which relate to the rights and obligations of the spouses, grounds for divorce, the family estate and the guardianship of minors and which place women on an equal footing with men.

143. Thus, article 81, as amended, defines marriage in the following terms: "Marriage is a solemn contract by which a man and a woman form a union for the purpose of living together, having children and aiding one another".

144. As to the equal rights and responsibilities of the spouses, article 134 of the Civil Code, as amended, states that: "The spouses shall be under an obligation to remain faithful to, and to aid and assist, one another in all circumstances. Marriage shall be based on the equal rights and duties of both spouses".

145. The following amendment was introduced in respect of the conjugal home: Article 135. "The spouses shall choose their place of residence by mutual agreement".

146. Article 138 of the new provisions states that the ordinary administration of the conjugal partnership is the responsibility of both spouses.

147. Article 139 provides that "Neither the wife nor the husband shall require the authorization of the other to dispose of his or her own property either in a will or inter vivos".

148. As far as the dissolution of the marriage tie is concerned, the Civil Code still contains provisions stating that, once a marriage has been dissolved by divorce, both spouses are free to remarry. Divorce by mutual consent continues to exist and article 115 still makes agreement by the parents on the financial arrangements for their minor children an essential condition for the granting of the divorce decree.

Article 24

149. Ecuador reaffirms that the rights of minor children are protected by the Constitution and by special laws.

150. The Ecuadorian Constitution provides for the protection of the rights of children "both before and after birth". Article 25 (3) thus states that: "Children shall be protected as from the time of conception and minors shall

be guaranteed protection to ensure that they grow and develop properly in terms of morality, mental and physical health and fitness for home life". This principle is embodied in articles 60, 61 and 62 of the Civil Code.

151. As a country with serious economic and social problems, Ecuador has an interest in supporting efforts to improve the situation of minors. In order to achieve this objective, the Ministry of Social Welfare has organized an innovative system of care, involving the family and the community, by establishing community children's homes, community children's centres and peasant community centres through the national community network programme for child development, which involves measures covering mothers and children, psychological and social development, health, nutrition, early learning and leisure.

152. On the basis of this approach, the current Government of Ecuador has undertaken, as a matter of national priority, to provide care in 1990 for 150,000 children aged between one month and five years in areas of extreme poverty.

153. To achieve these objectives, a special fund known as the National Fund for Child Nutrition (FONIN) has been established, in addition to the regular State budget, to reduce the level of malnutrition among children.

154. In order to harmonize Government policy with legislation relating to minors, it was necessary to introduce administrative procedures and legal provisions to regulate the institution of adoption, particularly during the pre-adoption phase. Accordingly, the "General Regulations governing the adoption of Ecuadorian minors, with special provisions relating to adoption by persons with dual nationality and foreigners residing outside Ecuador" was issued on 8 January 1990.

155. In keeping with its policy of affording protection to children, and in support of the work of the Commission on Human Rights, the Government of Ecuador took part in the debate that led to the adoption of the Convention on the Rights of the Child, to which it gave its full and unqualified support. It was one of the first countries to sign the Convention, on 26 January 1990, and it deposited the appropriate instrument of ratification on 23 March 1990.

Article 25

156. As indicated in the previous report, articles 32 to 44 of the Constitution fully guarantee the political rights of Ecuadorians, to which effect is given as follows:

The right to elect and be elected (annex No. 5) */

157. The foundation of democracy is the expression of the will of the people in the polls. During elections, through suffrage that is universal, equal, direct, secret, compulsory for those who can read and write and optional for

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illiterates and persons aged over 65, the people freely chooses the citizens who will guide its destiny at the national and local levels. This right is exercised by Ecuadorians who have reached the age of 18 and who are in possession of their civic rights.

158. The only exceptions to the right to vote concern members of the Armed Forces on active duty and persons who, in accordance with the law, are not in possession of their civic rights.

159. As far as the former are concerned, the traditional justification that has been put forward and still holds is that their duty is to obey, not to take decisions, but, in recent years, arguments have been advanced in respectable circles and by political parties urging that this restriction should be eliminated in view of the civic and intellectual maturity of the members of the Armed Forces, who, like any other citizens, have their own political opinions, which they should be able to express without affecting the basic principle of discipline that characterizes their organization. We believe that it will not be long before this wish is fulfilled, thereby increasing the size of the electorate.

160. The Elections Act (annex No. 6) */ is closely linked to the Political Parties Act, which embodies the constitutional principle that establishes the party system. Its provisions allow only political parties recognized by law to nominate candidates for a popular election and such candidates are required to be members of a party.

161. In order to be recognized, registered and authorized to take part in the conduct of public affairs, moreover, a party has to meet a number of requirements, such as advocating doctrinal principles by which it may be identified, adopting a political action programme in keeping with the democratic system and having a nation-wide organization and the number of members specified by law. In order to continue to be registered, political parties have to satisfy a number of requirements, including participation with their own candidates in multi-candidate elections in at least half plus one of Ecuador's provinces and, until recently, obtaining the electoral quotient required by law. This requirement will be dealt with below.

162. The application of the Elections and Political Parties Acts is the responsibility of the Elections Service under the Supreme Electoral Court, which is based in the capital of Ecuador, has jurisdiction throughout the national territory and is independent from other Government bodies and organizations. It is assisted in its work by the Provincial Electoral Courts and the Polling Boards. Such independence from other Government branches and bodies is the best guarantee Ecuadorians have of respect for their will as expressed in the polls and of the freedom of action of political parties provided for by law.

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The right to submit draft laws to the National Congress

163. This right is exercised, albeit sporadically, by individual citizens. It is exercised by political parties and class organizations through their representatives in the legislature.

The right to be consulted in the cases provided for in the Constitution

164. This power is exercised exclusively by the President of the Republic in cases which, in his view, are of vital importance for the State.

165. The most recent referendum was held in 1986, when the Constitutional President of the Republic asked the following question:

> "Fellow citizens: Do you want individual citizens to be fully entitled to be elected without having to be members of any political party, thus confirming the equality of all Ecuadorians before the law?".

166. The citizens' answer to the question was a clear no, thus confirming the party system.

The right to supervise acts by the public authorities

167. This power is exercised by the Congress by means of impeachment proceedings against the judges and officials specified by law. The proceedings lead to acquittal or censure; in the latter case, the official is dismissed from office and may face criminal proceedings.

The right to hold public office or employment

168. Any suitably qualified citizens may be elected or appointed to a public office or post.

Current level of the electoral quotient by the Constitution

Political parties recognized by law

169. Article 38 (2) of the Constitution of the Republic states: "A political party which does not obtain at least the quotient required by law shall be automatically dissolved".

170. Pursuant to and in keeping with the constitutional mandate, article 37 (c) of the Political Parties Act states that one of the grounds for cancelling a party's registration is the following: "If it does not obtain at least 5 per cent of the votes cast in two successive multi-candidate elections at the national level". Pursuant to the Act, the Supreme Electoral Court, meeting on 29 July 1980 and 25 June 1981, decided to cancel the registration of four political parties on the ground provided for in article 37 (c).

171. One of the parties in question requested the Supreme Court of Justice to declare the decision unconstitutional on the grounds that the Constitution refers to an "electoral quotient", while the Act refers to a "percentage", and the two terms have different meanings.

172. On 16 September 1982, the Supreme Court of Justice ruled that article 37 (c) of the Political Parties Act could not be applied because it was basically unconstitutional. This ruling was approved on 18 May 1983 by the National House of Representatives (now the National Congress), which decided, in addition, that the paragraph in question should be repeated and that the Supreme Electoral Court should register the four parties.

173. As a result, article 37 (c) of the Political Parties Act ceased to be in effect from the date of the decision by the National House of Representatives, but the constitutional provision contained in article 38 (2) is still in force. The Supreme Electoral Court, in consultation with all the political parties, is preparing a draft amendment to bring the provision more into line with the concept of "electoral quotient" referred to in the Constitution.

174. At present, there are 17 legally registered political parties.

Article 26

175. This right is provided for in article 9, paragraph 5, of the Constitution, which prohibits any discrimination based on race, colour, sex, language, religion, political or any other affiliation, social origin, economic situation or birth.

176. When articles 2 and 14 of the International Covenant on Civil and Political Rights were discussed, up-to-date and detailed reference was made to the provisions of internal law designed to guarantee the equality of all persons subject to the jurisdiction of the Ecuadorian State.

177. The latest amendments to the Civil Code, which were introduced through Act. No. 43 promulgated on 18 August 1989 (annex No. 1), eliminate the few remaining disadvantages that might affect married women in legal, civil and commercial proceedings. Married women have virtually the same status as their spouses in all such respects, as stated in connection with article 3 of the International Covenant on Civil and Political Rights.

178. In article 44 of the Constitution, the Ecuadorian State guarantees to all individuals who are subject to its jurisdiction, whether men or women, free and effective exercise and enjoyment of the civil, political, economic, social and cultural rights set forth in the declarations, covenants, conventions and other international instruments in force.

179. In economic matters, the Constitution provides that the economy must be based on principles of efficiency and social justice in order to ensure all inhabitants a worthy existence by guaranteeing them equal rights and opportunities in respect of the means of production and consumption. The Government's objective is to ensure the equitable distribution of the community's income and wealth. However, current economic problems prevent these principles from being fully implemented.

180. It is stated as a general rule that the system of taxation should be based on the principles of equality, proportionality and generality in order to ensure the fair distribution of income and wealth among all the inhabitants of the country.

181. With regard to political rights, article 32 of the Constitution stipulates: "Ecuadorian citizens shall enjoy the right to elect and be elected; to submit draft laws to the National Congress; to be consulted in the cases provided for in the Constitution; to supervise acts by the public authorities and to hold public office or employment, in the conditions determined by the law".

182. According to article 33 of the Constitution, "Suffrage shall be universal, equal, direct and secret, compulsory for those who can read and write and optional for illiterates". The only exception is for members of the Armed Forces, who do not exercise this right.

183. All Ecuadorian citizens are entitled to social security (art. 29 of the Constitution) and efforts have been made to integrate sectors such as peasants, who may now become members of and be protected by the Ecuadorian Social Security Institute. In rural areas, however, it is still difficult to exercise this right.

184. With regard to education, article 27 of the Constitution guarantees access to education for all inhabitants without discrimination of any kind. It provides that education is based on principles of nationality, democracy and social justice, peace and the defence of human rights and is open to all schools of universal thought. Fair remuneration of all educators at all levels is guaranteed. Official education is secular and free at all levels. These principles are unfortunately limited, since enormous amounts of money are required to provide access to education for the entire population. Many institutions and public establishments carry out these activities, but they are unable to meet demand, especially in rural areas. Generally speaking, it may even be said that primary and secondary education is more costly than higher education in the country, and this makes it very difficult to apply these principles.

185. In the labour sphere, workers are free to engage in any lawful work they wish. However, contracts for performing services outside the country are prohibited to women and minors under 18, for their own protection.

186. Article 78 of the Code states a very important principle: "There shall be equal remuneration for work of equal value without distinction of any kind as to sex, race, nationality or religion, but the level of specialization and experience in performing the work shall be taken into account for the purposes of remuneration". In fact, this provision is not fully implemented. There is a preference in the labour market for hiring men, for women cannot always devote themselves entirely to their work or at least have to interrupt their work more frequently to fulfil their family obligations.

187. With regard to works in the public sector and depending on the amount of autonomy enjoyed by the agency to which they belong, a distinction is made between workers covered by the Civil Service and Administrative Careers Act and those covered by the Labour Code. In the latter case, unions have been established in certain public sector agencies and they have obtained much more favourable working conditions than those enjoyed by other workers in the public and private sectors.

188. As to equality between men and women, many amendments have been made to the Civil Code, the Commercial Code and other laws with a view to giving effect to the constitutional principle that guarantees men and women equal rights and opportunities.

189. The Penal Code characterizes as offences incitement to or dissemination by any means of racial discrimination against any person or ethnic group and establishes the appropriate penalties.

190. As stated above, aliens generally enjoy the same rights as Ecuadorians. Exceptions are the exercise of political rights, activities such as agriculture, fishing and other activities protected by development laws and the conclusion of contracts on non-renewable resources.

Article 27

191. There is unconditional respect in Ecuador for the rights of ethnic, religious and linguistic minorities, since article 27 (9) of the Constitution of the Republic provides for the use of indigenous languages as the main languages of instruction and apprenticeship in schools in areas where the population is predominently indigenous. There is also unconditional respect for freedom of religion in Ecuador; in addition to the Catholic religion, which is the religion of the majority, there are more than 200 religious denominations in the country.

192. Since the social and cultural organization of the indigenous communities living in the Amazon region might be adversely affected as a result of the ecological deterioration of the area, the Government has devised mechanisms such as the Ecuador-Texaco Oil Company and Confanes Native Community Environmental Impact Study in order to find production and development alternatives leading to appropriate solutions.

193. In addition to the constitutional provisions in force, indigenous populations in Ecuador are protected by the provisions of the Health Code, the Labour Code, the Civil Code and the Peasant Communities Act, in particular.

194. In 1969, moreover, Ecuador ratified International Labour Organisation Convention No. 107 concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries, the text of which is attached (annex No. 7) */

195. Thus with a view to fulfilling the obligations it has duly contracted as a sovereign State, Ecuador has pleasure in submitting to the Human Rights Committee its third periodic report under article 40 of the International Covenant on Civil and Political Rights.

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